

UNITED STATES BANKRUPTCY COURT  
District of Maine

In the matter of:

Chapter 13  
Case No.

Debtor

*THIS PLAN CONTAINS FACTUAL MATTERS WHICH, IF NOT CONTROVERTED, MAY BE ACCEPTED AS TRUE. WHILE CREDITORS MAY NOT VOTE ON THIS PLAN, THEY MAY OBJECT TO ITS CONFIRMATION PURSUANT TO 11 U.S.C. SEC. 1324. ANY OBJECTIONS TO THE PLAN MUST BE IN WRITING, FILED WITH THE COURT, AND SERVED UPON DEBTOR'S COUNSEL (OR THE DEBTOR, IF PRO SE), AND THE CHAPTER 13 TRUSTEE AT LEAST TEN (10) DAYS PRIOR TO THE HEARING ON CONFIRMATION. ABSENT ANY OBJECTION, THE COURT MAY CONFIRM THIS CHAPTER 13 PLAN WITHOUT FURTHER NOTICE OR HEARING.*

CHAPTER 13 PLAN

Pursuant to 11 U.S.C. Sec. 1321 and 1322, the debtors propose the following plan. The debtors submit all or such portion of their future earnings or income or estate to the supervision and control of the trustee as is necessary for the execution of the plan.

1. This is a \_\_\_\_\_ month plan.
2. The debtors shall make the following **payments to the trustee**. The total amount to be paid to the trustee is \$\_\_\_\_\_, plus all tax refunds in excess of \$1,200 per year.
  - (a) Commencing on [date], regular [monthly] payments of \$\_\_\_\_\_ shall be made for \_\_\_\_\_ months [plus \$\_\_\_\_\_ for \_\_\_\_\_ months and \$\_\_\_\_\_ for \_\_\_\_\_ months for a total of \_\_\_\_\_ months].
  - (b) Lump sum payment(s) of \$\_\_\_\_\_ shall be made on [date], the source of which is \_\_\_\_\_.
  - (c) Other [specify]:
3. **Administrative expenses and claims** allowed under 11 U.S.C. Sec. 503(b) and any fees and charges assessed against the estate under 28 U.S.C. Sec. 586(e) and 1930, shall be paid in full from the funds paid by the debtors to the trustee as follows:
  - (a) Trustee's fee not to exceed 10%: \$\_\_\_\_\_
  - (b) Attorney's fee to be paid through plan (if any): \$\_\_\_\_\_
  - (c) Administrative reserve (if any): \$\_\_\_\_\_
  - (d) Other (describe): \$\_\_\_\_\_

4. **Claims secured by property of the estate** shall be paid as follows:

(a) Secured claims not in arrears shall be paid by the debtors directly pursuant to the existing contract(s) between the debtors and the creditor as follows:

[List creditor, identify collateral, periodic payment and amount, and date next payment is due. If none, write "None."]

(b) Secured claims to the extent of value of the collateral shall be paid in full from the funds paid by the debtors to the trustee as follows. A creditor must file a proof of claim by the bar date to be entitled to payment.

[List creditor, state estimated amount of claim, identify collateral and value, and interest terms. If none, write "None."]

(c) Arrearages on secured claims shall be paid from the funds paid by the debtors to the trustee as follows. A creditor must file a proof of claim by the bar date to be entitled to payment.

[List creditor, nature of claim (e.g., home mortgage), amount of arrearages and interest terms. If none, write "None."]

Current periodic payments to those creditors will be made [directly by the debtors] [by the trustee through the plan].

5. **Claims entitled to priority** under 11 U.S.C. Sec. 507(a) shall be paid in full from the funds paid by the debtors to the trustee as follows, unless a creditor agrees to a different treatment of such claim. A creditor must file a proof of claim by the bar date to be entitled to payment.

[List priority creditors, total claim, and amount entitled to priority. If none, write "None."]

6. **Interim distribution** may be made pursuant to court order to provide payment to undisputed and timely filed priority and secured claims.

7. **Unsecured (and undersecured) creditors' claims** are listed on the debtors' schedules in the approximate amount of \$\_\_\_\_\_. A creditor must file a proof of claim by the bar date to be entitled to payment. The Court will issue an order after the bar date determining the actual dividend. Payment will be made from funds paid by the debtors to the trustee. The dividend to be paid to each general unsecured creditor will be determined by dividing the funds available by the total amount of general unsecured claims actually filed and allowed. Unsecured creditors will not receive payment until after payment in full of administrative, secured and priority claims.

(a) If all scheduled claims are allowed, the percentage dividend to general unsecured creditors is estimated to be approximately \_\_\_\_\_%.

(b) The following unsecured creditors shall be separately classified and paid at a different percentage.

[List creditor, claim amount, basis for separate classification and proposed dividend to each. If none, write "None."]

(c) A "small claim" is any claim greater than \$50 for which the dividend would be \$50 or less which shall be allowed in the amount of \$50, and any claim of \$50 or less which shall be allowed as filed. The trustee may pay in full any "small claim" as allowed by Court order.

8. The following **other special provisions** of the plan appear on the attached schedules as indicated.

- ☐ No other special provisions
- ☐ Schedule I – Co-debtor matters (11 U.S.C. Sec. 1301 and Sec. 1322(b)(1))
- ☐ Schedule II – Cramdown or stripdown (11 U.S.C. Sec. 1322(b)(5))
- ☐ Schedule III – Executory contracts and leases (11 U.S.C. Sec. 365)
- ☐ Schedule IV – Lien avoidance (11 U.S.C. Sec. 522)
- ☐ Schedule V – Sale of property (11 U.S.C. Sec. 363)
- ☐ Schedule VI – Return of secured collateral ( 11 U.S.C. Sec. 1325(a)(5)(C))
- ☐ Schedule VII – Other

9. If this case were **liquidated under Chapter 7** rather than reorganized under Chapter 13, a Chapter 7 trustee would be entitled to sell, collect or recoup certain assets for the benefit of creditors. The liquidation amount which would be available for unsecured creditors, net of valid secured claims and exemptions is \$\_\_\_\_\_. The debtors certify that at least this cash amount will be paid to the trustee for the benefit of unsecured creditors in this case pursuant to 11 U.S.C. Sec. 1325(a)(4).

10. Property of the estate not paid over to the trustee shall remain in the possession of the debtors. All property of the estate, whether in the possession of the debtor or the trustee, remains property of the estate, subject to the Court's jurisdiction notwithstanding 11 U.S.C. Sec. 1327(b).

11. Upon completion of the plan as approved by the Court, the debtors shall be entitled to a full compliance discharge pursuant to 11 U.S.C. Sec. 1328(a).

Date:

\_\_\_\_\_  
Debtor I

\_\_\_\_\_  
Debtor II

\_\_\_\_\_  
Debtors' Attorney